

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

IN RE:

DONALD S. FETZER

Debtor

AMERIHOM MORTGAGE COMPANY, LLC

Movant

v.

DONALD S. FETZER

and

GARY F. SEITZ (TRUSTEE)

Respondents

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BK. No. 20-12765-elf

Chapter No. 7

11 U.S.C. §362

**MOTION OF AMERIHOM MORTGAGE COMPANY, LLC FOR RELIEF FROM
AUTOMATIC STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE
4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor, DONALD S. FETZER.

1. Movant is **AMERIHOM MORTGAGE COMPANY, LLC**.
2. Debtor, DONALD S. FETZER, is the owner of the premises located at **53 GERANIUM RD, LEVITTOWN, PA 19057**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Movant instituted foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
5. The foreclosure proceedings instituted were stayed by the filing of the instant Chapter 7 Petition.
6. As of June 29, 2020, the principal balance owed on the loan is \$200,835.03.
7. Interest in the amount of \$8,716.69 has accrued since the application of the last payment received from the Debtors.
8. In addition, the following charges, fees and costs have been added to the balance of the loan and are due and owing to Movant: Accrued Late Charges in the amount of \$227.70, Pro Rata MIP/PMI in the amount of \$138.37, Escrow Advance in the amount of \$3,994.26,

Property inspection fees in the amount of \$130.00, and Title costs in the amount of \$340.00.

9. As of June 29, 2020, the payoff due on the mortgage is \$214,382.05.

10. Debtor has failed to tender payments for the months of October 2019 through June 2020. The monthly payments for October 2019 through December 2019 are \$1,845.22 each, the monthly payments for January 2020 through June 2020 are \$1,815.72 each, with Accrued Late Charges in the amount of \$227.70, Property inspection fees in the amount of \$130.00, and Title costs in the amount of \$340.00. The next payment is due on or before July 1, 2020 in the amount of \$1,815.72.

11. As of June 29, 2020, the amount necessary to reinstate the account is \$17,127.68.

12. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

13. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

14. Respondent, GARY F. SEITZ, is the Trustee appointed by the Honorable Court.

15. Movant, its successors and assignees posits that due to Debtor's continuing failure to tender contractual mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **53 GERANIUM RD, LEVITTOWN, PA 19057** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and

assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Holding that due to Debtor's continuing failure to tender contractual mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees, should be allowed to immediately enforce and implement the Order granting relief from the automatic stay; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire
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